

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KATHARINE S. WRIGHT,

Plaintiff,

v.

**NANCY A. BERRYHILL,
Acting Commissioner of the
Social Security Administration,**

Defendant.

Case No. CIV-16-790-CG

ORDER

On September 8, 2017, the Court entered an Opinion and Order and a Judgment reversing the decision of the Acting Commissioner and remanding this case for further proceedings. *See* Doc. Nos. 29, 30. Plaintiff Katharine S. Wright now requests an award of attorney’s fees pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. *See* Pl.’s Mot. Att’y Fees (Doc. No. 31). The parties have jointly notified the Court that they have stipulated to a request of \$4600.00 in EAJA fees in this matter. *See* Parties’ Stipulation (Doc. No. 32) at 1-2.

Having considered Plaintiff’s unopposed request and the relevant record, the Court finds that: “(1) [P]laintiff is a ‘prevailing party’; (2) the position of the United States was not ‘substantially justified’; and (3) there are no special circumstances that make an award of fees unjust” in this case. *Hackett v. Barnhart*, 475 F.3d 1166, 1172 (10th Cir. 2007) (quoting 28 U.S.C. § 2412(d)(1)(A)). Having considered the Motion and the relevant record, the Court GRANTS Plaintiff’s request (Doc. No. 31), as modified by the parties’

stipulation, and awards fees in the amount of \$4600.00, with said amount to be paid directly to Plaintiff and sent in care of Timothy M. White, 7906 East 55th Street, Tulsa, Oklahoma, 74145. If attorney's fees are also awarded under 42 U.S.C. § 406(b), Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 9th day of March, 2018.



CHARLES B. GOODWIN
UNITED STATES MAGISTRATE JUDGE